

EPA comments on Navy fact sheet draft received 1-24-2017

EPA received the draft fact sheet on Wednesday at 10:05 am. During the 1:30 pm call the same day, when asked around 2 pm, the Navy stated that it was too late to give comments because the fact sheet was going to the printer immediately. Then the Navy offered to take comments within 5 minutes after the end of the call. The Navy was only willing to delete language but not to add or change language. EPA gave a few comments that afternoon based on a very quick review. However, for future reference, we are providing these more thorough comments to inform your communications moving forward. Broadly, the draft language in the fact sheet indicates the failure of the author to acknowledge the true extent of the problem and the need for significant rework to address public health and environment concerns.

1. Page 1, column 2, and Page 4, column 2 - As Nina stated on the call, we do not agree with these statements in the fact sheet:

Page 2, column 2 - “The Navy’s goal for this process is to confirm that the parcels are safe for planned reuse before transferring the property . . .”

Page 4, column 2 - “The Navy’s goal for this process is to verify that the parcels are safe for planned reuse before transferring the property . . . “

We do not presume already that it is clean and that what you are doing is merely verifying or confirming. Because previous results are not reliable, rework is needed. Alternatively, the text could state “ensure that all cleanup goals have been met.”

2. Page 1, timeline – This figure shows that in 2012 “Appropriate agencies are notified.” Which agencies were notified? Please submit documentation that USEPA, DTSC, and CDPH were notified in 2012.
3. Page 2 - In the section Determine Next Steps, the text reads “Document data evaluation results (complete).” In fact, the draft reports have not yet incorporated results of reviews from the regulatory agencies. Please remove “(complete).”
4. Page 3, map - We do not agree with the Navy’s percentages on the map for degree of falsification. Our reviews for Parcels B and G show much higher percentages of survey units show signs of falsification or data quality concerns. If asked, we will give EPA’s review conclusions, which we have submitted in writing already December 29, 2017.
5. Page 3, map – Please explain that Parcel D-1 is not included because radiological work was not done by Tetra Tech EC., Inc., here.
6. Page 4, first column – In Public Health and Safety, the text states “The Navy has taken several actions since the falsification of data was reported to ensure that there is no risk to public safety. The ongoing evaluation of TtEC radiological data samples is one way that the Navy is ensuring no risk to the public.” Superfund regulations in the National Contingency Plan have defined the protective range of excess cancer risk as a probability that a person exposed to radioactive and chemical contaminants will have an additional

one in ten thousand to a one in a million chance of developing cancer (technically known as the 10^{-4} to 10^{-6} cancer risk range). While it may not be necessary to go into that much detail in a brief fact sheet such as this, it is not appropriate to use language such as “no risk.” The ROD cleanup requirements are based on the NCP as well as other ARAR’s. None of these are based on “no risk.” Please delete “no risk” and draft alternative more appropriate language, e.g. “achieve the cleanup level needed to protect human health and the environment.”

7. Page 4, column 1 - Independent Verification and Oversight, the text states, “The U.S. EPA is conducting independent review of the HPNS radiological findings to validate the Navy’s results.” This implies that USEPA’s purpose is to confirm that the Navy’s results are correct. In fact, we have gone on record disagreeing with the Navy’s results, with detailed technical supporting evidence from USEPA’s Headquarters health physicists and statisticians. This language misleads the public. Please delete “Verification” and “validate.” Potential alternative language could include Evaluation, Review, Analysis, etc.
8. Page 4, first column - Please add the State agencies that are also part of independent review.
9. Page 4, Second column – In Fact Check, the text states, “The average radiation exposure level at HPNS is consistent with background radiation found throughout the greater San Francisco Bay Area.” The reason for the rework effort is the widespread falsification documented by the Navy’s own radiological data evaluation. Page 3 of this fact sheet describes “uncertainty for all radiological data collected by TtEC. Due to the lack of confidence in these results, the Navy will collect new data to ensure the site is safe” Therefore, no such conclusion can be made when data are unreliable and when no other reliable data have been collected. Please delete this statement.
10. Page 4 contacts - Usually Navy fact sheets give the contact information for the FFA signatory agencies on your public handouts. Please add those to this as well.